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**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA**

**CHRISTOPHER MELINGONIS;  
 And, ROBERT ASLANYAN;  
 Individually and On Behalf of All  
 Others Similarly Situated,**

Plaintiffs,

v.

**YOUMAIL, INC.,**

Defendant.

Case No: 3:13-CV-00315-L-DHB

**PLAINTIFFS' NOTICE OF  
 MOTION AND MOTION FOR  
 CLASS CERTIFICATION  
 PURSUANT TO FED. R. CIV. P.  
 23(B)(2) AND (B)(3)**

**Date:** February 24, 2014

**Time:** 10:30 a.m.

**Place:** Courtroom 5B

**Judge:** Hon. M. James Lorenz

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on February 24, 2013, at 10:30 a.m., before the United States District Court, Southern District of California, Courtroom 5B, 221 West Broadway, San Diego, CA 92101, Christopher Melingonis and Robert Aslanyan (collectively the “Plaintiffs”) will move this Court for an order granting Plaintiffs’ Motion for Class Certification against Defendant YouMail, Inc. (“Defendant”) pursuant to Fed. R. Civ. P. 23(b)(2) and (b)(3) concerning violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*

Plaintiffs will move the Court to certify a 47 U.S.C. § 227(b)(1)(A)(iii) class consisting of:

All persons who are not subscribers of Defendant, who had or have a number assigned to a cellular telephone service, who received one or more auto-reply text messages from Defendant between January 1, 2012 and February 7, 2013.

This motion is made pursuant to the Fed. R. Civ. P. 23(b)(2) and (b)(3), a hybrid class action, on the grounds that the Fed. R. Civ. P. 23 requisites are satisfied. This motion is based upon this notice, the accompanying memorandum of points and authorities, the declarations and exhibits thereto, the Complaint, all other pleadings and papers on file in this action, and upon such other evidence and arguments as may be presented at the hearing on this matter.

Respectfully submitted,

**KAZEROUNI LAW GROUP, APC**

Date: December 13, 2013

By: /s/ Abbas Kazerounian  
Abbas Kazerounian  
*Attorney for Plaintiffs*

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